

Assembly Bill No. 942

CHAPTER 391

An act to amend Sections 17980 and 17980.6 of the Health and Safety Code, relating to housing.

[Approved by Governor September 15, 1999. Filed
with Secretary of State September 15, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 942, Dutra. State Housing Law: enforcement.

(1) The State Housing Law authorizes a city or county enforcement agency to issue an order or notice to repair a building to the owner if the building is maintained in a manner that violates any provisions of this act, the building standards published in the State Building Standards Code, or any other rule or regulation promulgated pursuant to the act, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered.

This bill would require that a copy of the order or notice be provided either (a) by both posting a copy of the order or notice in a conspicuous place on the property and by first-class mail to each affected residential unit or (b) by posting the copy in a conspicuous place on the property and in a prominent place on each affected residential unit. The bill would also require that the order or notice contain specified information. By increasing the duties of local enforcement officials, the bill would impose a state-mandated local program.

(2) Existing law also requires that tenants in a residential building be provided notice of any violation of the provisions specified in (1) above that affects the health and safety of the occupants and renders the building untenable, as well as be provided notice of an order of the code enforcement agency issued after inspection declaring a dwelling substandard, an enforcement agency's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order of an enforcement agency. This notice may be provided either by first-class mail to each affected unit or by posting a copy of the notice in a prominent place on the affected residential unit.

This bill instead would require this notice to be provided by posting a copy of the notice in a conspicuous place on the property.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims

Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 17980 of the Health and Safety Code is amended to read:

17980. (a) If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to, this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency shall, after 30 days' notice to abate the nuisance, institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

(b) (1) Whenever the enforcement agency has inspected or caused to be inspected any building and has determined that the building is a substandard building, the enforcement agency shall commence proceedings to abate the violation by repair, rehabilitation, vacation, or demolition of the building. The enforcement agency shall not require the vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The enforcement agency may require vacation and demolition or may itself vacate the building, repair, demolish, or institute any other appropriate action or proceeding, if any of the following occur:

(A) The repair work is not done as scheduled.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option which cannot be completed within a reasonable period of time, as determined by the department, for any reason, including, but not limited to, an outstanding judicial or administrative order.



(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local jurisdiction's housing element.

(c) (1) Notwithstanding subdivision (b) and notwithstanding local ordinances, tenants in a residential building shall be provided notice of any violation described in subdivision (a) which affects the health and safety of the occupants and which violates Section 1941.1 of the Civil Code, an order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be substandard, the enforcement agency's decision to repair or demolish, or the issuance of a building or demolition permit following the abatement order of an enforcement agency.

(2) Notice pursuant to this subdivision shall be provided to each affected residential unit by the enforcement agency that issued the order or notice, in the manner prescribed by subdivision (a) of Section 17980.6.

(d) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(e) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

SEC. 2. Section 17980.6 of the Health and Safety Code is amended to read:

17980.6. (a) If any building is maintained in a manner that violates any provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part, and the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered, the enforcement agency may issue an order or notice to repair pursuant to this part. Any order or notice pursuant to this subdivision shall be provided either by both posting a copy of the order or notice in a conspicuous place on the property and by first-class mail to each affected residential unit, or by posting a copy of the order or notice in a conspicuous place on the property and in a prominent place on each affected residential unit. The order or notice shall include, but is not limited to, all of the following:

(1) The name, address, and telephone number of the agency that issued the notice or order.

(2) The date, time, and location of any public hearing or proceeding concerning the order or notice.

(3) Information that the lessor cannot retaliate against a lessee pursuant to Section 1942.5 of the Civil Code.

(b) If the owner does not correct the condition that caused the violation within a reasonable time after issuance of the notice or order, the enforcement agency may, in addition to any other remedies provided by law, seek the remedies provided for in Section 17980.7 if the court finds the owner responsible for a violation of this part and orders repairs as part of a civil or criminal judgment against the owner, or in a stipulation to a judgment by the owner which includes provisions governing repairs.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

